

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEFFREY MCVAY,

Petitioner,

-against-

WARDEN S. WALKER,

Respondent.

22-CV-6572 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated October 17, 2022, the Court directed Petitioner to file an amended petition within sixty days. That order specified that failure to comply would result in dismissal of the petition. Petitioner has not filed an amended petition. Accordingly, the petition, filed *in forma pauperis* (“IFP”) under 28 U.S.C. § 1915(a)(1), is denied without prejudice.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk is directed to enter judgment in this case.

SO ORDERED.

Dated: January 4, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge